

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM RILEY,

Petitioner,

v.

No. CV 12-0715 MCA/WDS

JAMES LOPEZ, Warden,

Respondent.

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

This matter is before the Court on Petitioner's Motion For Default Judgment. (Doc. No. 21) Respondent filed a brief in opposition. Petitioner filed his motion on October 23, 2012, asserting that Respondent's answer was due within thirty days of September 11, 2012 but had not been filed. It appears that Petitioner had not yet received a copy of the Court's October 19, 2012 order which granted Respondent a 90 day extension of time to file an answer. Accordingly, Respondent is not in default and Petitioner's motion (Doc. No. 21) is not well taken and is denied.

IT IS SO ORDERED.



W. Daniel Schneider
United States Magistrate Judge